IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 399 OF 2006

SHRI SANJEEV ALIAS GABBA VISHWANATH MANGUESHKAR ....Petitioner

Versus

DISTRICT MAGISTRATE (NORTH GOA) AND 2 ORS., ...Respondents

Mr. S. G. Dessai, Senior Advocate with Advocate Mr.Siddharth Kalshavkar, for the Petitioners.
Ms. Winnie Coutinho, Addl. Government Advocate for Respondents.

Coram:- DR. S. RADHAKRISHNAN & N. A. BRITTO, JJ.

Date:- 18th September, 2006

P.C.

Heard the learned Counsel for the petitioners and learned Addl. Government pleader for the respondents.

2. Rule. Rule made returnable forthwith by consent.

3. By this petition, the petitioner is challenging the Order dated 14.08.2006, passed by the learned Chief Secretary mainly on the ground that though the matter was fixed before Respondent no.2-Chief Secretary in his chamber for personal hearing at 3.30 p.m.on 11.08.2006, and that the learned Counsel for the petitioner and the petitioner could reach only at 3.52 p.m. in view of the security check they had to undergo, at the office of Respondent no.2, the petitioner was denied hearing by Respondent no.2.

4. There is no dispute that respondent no.2 had not personally heard the petitioner and the Advocate of the petitioner in the above Appeal. In

view thereof, we are inclined on the limited ground of not affording fair opportunity of hearing to the petitioner and his Advocate, we quash and set aside the impugned Order dated 14.08.2006, so as to enable the petitioner along with his Advocate to appear in the office of respondent no.2. The learned Counsel for the petitioner states that the petitioner along with his Advocate will appear before respondent no.2 on 27.09.2006 at 3.30 p.m., to enable respondent no.2 to fix the schedule of hearing.

5. Needless to say, that the stay granted by respondent no.2 earlier, to continue till the disposal of the above appeal.

6. Rule is made absolute accordingly.

DR. S. RADHAKRISHNAN, J.

N. A. BRITTO, J.

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